

PUBLIC HEARING--May 12, 1965

Appeal #8162 Philip F. Finelli, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on May 17, 1965:

ORDERED:

That the appeal to change a nonconforming use from automobile repair shop to an automobile repair shop including body and fender work, or in the alternative for a variance from the use provisions of the C-3-B District to permit same at 625 New York Avenue, N.W., lot 4, square 450, be denied for the following reasons:

(1) From the records and the evidence adduced at the hearing, the Board finds that on October 23, 1963, in appeal #7471 this property was change from an ornamental iron works shop to an automobile repair shop with the provisions that there be no body or fender work done on the premises. The finding of fact and opinion in that appeal are incorporated and made a part of the record in this appeal.

(2) The Board is of the opinion that the change of use desired will affect adversely the present character or future development of the neighborhood in accordance with these regulations and the Comprehensive Plan for the District of Columbia. In making this finding that Board has taken into consideration the fact that in drafting of new regulations governing the C-3 Districts that body and fender work was not permitted as a matter-of-right and is specifically prohibited in the C-2 District which is the governing factor controlling the Board's power in granting automobile repair shops. The Board therefore has no alternative except to deny the appeal.

(3) With reference to the variance portion of the appeal, the Board finds that it lacks jurisdiction in the C-3-B District to approve body and fender work.